

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**AMERISOURCEBERGEN SPECIALTY
GROUP, INC.,**

Plaintiff,

vs.

FFF ENTERPRISES, INC.,

Defendant.

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CASE NO. _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement by AmerisourceBergen Specialty Group, Inc. against FFF Enterprises, Inc.

I. PARTIES

1. Plaintiff AmerisourceBergen Specialty Group, Inc. (“ABSG”) is a Delaware corporation with its principal place of business in Frisco, Texas.

2. Defendant FFF Enterprises, Inc. (“FFF Enterprises”) is a California corporation with its principal place of business in Temecula, California. FFF Enterprises has appointed Patrick Maurice Schmidt, 41093 County Center Drive, Temecula, California, 92591, as its agent for service of process.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendant has transacted business in this District. Defendant has committed and/or induced acts of patent infringement in this District.

5. This Court has personal jurisdiction over Defendant because the infringing systems or networks, as described below, have been and continue to be directed to or used by consumers in the State of Texas and the Eastern District of Texas. Defendant has committed acts of infringement in violation of 35 U.S.C. § 271 and directly or indirectly placed these infringing methods, systems and/or software into the stream of commerce with the knowledge or understanding that such methods, systems and/or software are used in this State and this District.

6. Upon information and belief, Defendant regularly does business and/or solicits business in Texas and in this District. Upon information and belief, Defendant also offers products for sale using its website, including www.myfluvaccine.com, to customers throughout the United States, including in Texas and in this District.

7. ABSG has its principal place of business in this District. Defendant's acts cause injury to ABSG within the District.

III. FACTUAL BACKGROUND

8. On October 9, 2012, the United States Patent & Trademark Office ("USPTO") issued United States Patent No. 8,285,607 ("the '607 Patent") entitled "System and Method for Pharmaceutical Management and Tracking." ABSG is the current assignee of the '607 Patent. A true and correct copy of the '607 Patent is attached as **Exhibit A**.

9. The '607 Patent is valid, enforceable, and has not expired.

IV. COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 8,285,607

10. ABSG repeats and re-alleges each and every allegation contained in paragraphs 1 through 9 above as though fully stated herein.

11. Defendant has been and is now directly infringing, and indirectly infringing by way of inducing infringement of, at least claim 1 of the '607 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States by, among other things, making, using, offering to sell, selling, and/or importing systems, covered by one or more claims of the '607 Patent within the United States. By way of example, Defendant exhibited the accused product at the American Society of Health-System Pharmacists meeting in Orlando, Florida in December 2013.

12. Systems made, used, offered for sale, or sold by Defendant that infringe at least claim 1 of the '607 Patent include, but are not limited to, Defendant's products or services associated with Defendant's VERIFIED Cabinet and the VERIFIED Inventory Program. Non-limiting example advertisements of Defendant's VERIFIED products can be found through Defendant's publicly distributed brochures, including the exemplar advertisement attached hereto as **Exhibit B**, as well as on Defendant's webpage at http://www.fffenterprises.com/News/MediaRelease_2013-07-09.aspx.

13. Defendant is thus liable for infringement of the '607 Patent pursuant to 35 U.S.C. § 271. Defendant has written notice of its infringement by virtue of the filing and service of this Complaint.

14. As a result of Defendant's infringement of the '607 Patent, ABSG has suffered monetary damages in an amount not yet determined.

15. ABSG will be substantially and irreparably harmed by Defendant's infringing activities unless those activities are enjoined by this Court. ABSG has no adequate remedy at law. As a result of Defendant's infringement, ABSG is entitled to preliminary and permanent injunctive relief, restraining and enjoining Defendant and all those in privity with or acting in concert with Defendant from infringing the '607 Patent.

VI. DEMAND FOR JURY TRIAL

16. ABSG hereby demands that all issues be determined by jury.

VII. PRAYER FOR RELIEF

WHEREFORE, ABSG prays for relief against Defendant FFF Enterprises as follows:

(a) A judgment that Defendant has directly infringed the '607 Patent and/or induced infringement of the '607 Patent;

(b) An order for preliminary and permanent injunctive relief prohibiting Defendant, its officers, agents, servants, employees, successors, assigns, or all other persons or entities in active concert, participation, or privity with any of the foregoing, from any further acts of infringement of the '607 Patent;

(c) A judgment and order requiring Defendant to pay ABSG damages under 35 U.S.C. § 284, together with pre-judgment and post-judgment interest;

(d) A judgment and order requiring Defendant to pay ABSG the costs of this action;
and

(e) Such other and further relief as the Court deems just and equitable.

Dated: December 24, 2013

By: /s/ Jamil N. Alibhai

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